



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**AUG 02 2018**

David J. Needham

E. Farmingdale, New York 11735

RE: MUR 7360

Dear Mr. Needham:

The Federal Election Commission reviewed the allegations in your complaint received on April 9, 2018. On July 31, 2018, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to dismiss the allegations as to Liuba for Congress and Sue Jackson, in her official capacity as treasurer, and Liubov "Libua" Grenchen Shirley, and close its file in this matter. Accordingly, the Commission closed its file in this matter on July 31, 2018. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan".

BY: Jeff S. Jordan  
Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR:** 7360

**Complaint Receipt Date:** April 9, 2018

**Response Date:** May 2, 2018

**EPS Rating:**

**Respondents:** Liuba for Congress and  
Sue Jackson, as Treasurer  
("the Committee"),  
Liubov "Liuba" Grechen  
Shirley<sup>1</sup>

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. §§ 30101(2), 30102(e)(1), 30103(a)  
11 C.F.R. §§ 100.3, 101.1(a), 102.1(a)**

The Complaint alleges that Shirley failed to file financial disclosure forms as required by the Ethics in Government Act of 1978 despite the fact that she was campaigning for office, had raised the required financial minimum, and publicly announced her candidacy.<sup>2</sup> The Response states that, regardless of the merits of the complaint, the allegation is outside the Commission's jurisdiction.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in

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<sup>1</sup> On her amended Form 2, the candidate lists her name as Liubov "Liuba" Grechen Shirley. Shirley is a 2018 candidate for the U.S. House of Representatives in New York's Second Congressional District. Liuba for Congress is her principal campaign committee.

<sup>2</sup> Although the *pro se* Complaint does not cite to a provision of the Federal Election Campaign Act of 1971, as amended, the Complaint, liberally construed, alleges that Shirley was a candidate in 2017, and our review of the Committee's filings suggests that Shirley may have filed her Statement of Candidacy about two months late. See 52 U.S.C. §§ 30101(2), 30102(e)(1); 11 C.F.R. §§ 100.3, 101.1(a). We note that the Committee received over \$5,000 in contributions in October 2017, but Shirley did not file her Statement of Candidacy until January 22, 2018. There is no information, however, that the Committee's Statement of Organization, filed on October 3, 2017, was untimely. We make no recommendation as to the apparently untimely Statement of Candidacy because it was not directly alleged in the complaint.

potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. We recommend that the Commission dismiss the complaint as it appears the Commission lacks jurisdiction. We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

Kathleen M. Guith  
Associate General Counsel

6.7.18  
Date

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff S. Jordan  
Jeff S. Jordan  
Assistant General Counsel

Kristina M. Portner  
Kristina M. Portner  
Attorney